

REMARKS

Claims 1-79 are now pending in the application. Amendments have been made to the claims in this response. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

A. Claims 1-79 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Harris et al. (U.S. Pat. No. 6,333,654) in view of Ng et al. (U.S. Pat. No. 6,011,679). This rejection is respectfully traversed.

At the outset, Applicant respectfully refers the Examiner to the Manual of Patent Examining Procedure (MPEP) (Section 2143.03) which specifically states "[t]o establish *prima facie* obviousness of the claimed invention, all the claim limitations must be taught or suggested by prior art." Section 2143.03 of the MPEP further states that "all words in a claim must be considered in judging the patentability of that claim against the prior art." *In Re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA1970). Applicant respectfully suggests that the Examiner has not met this requirement and further respectfully suggests that the art cited by the Examiner fails to teach or suggest independent claims 1, 15, 16, 31, 48, and 64.

With respect to independent claim 1, Applicant respectfully suggests that the art cited by the Examiner fails to teach or suggest a selection means coupled to said delay means for receiving said second portion of said time-length signal and for selecting a predetermined discrete delay period in said delay means, for creating discrete time steps, whereby said power supply is capable of providing a plurality of repeatable output

pulses. Harris fails to teach or suggest a selection means coupled to said delay means for receiving said second portion of said time-length signal and for selecting a predetermined discrete delay period in said delay means.

In the outstanding office action, the Examiner asserts that the fine variable delay 58 and the supply voltage selector 44 of Harris make up the "selection means". Applicant respectfully submits that this can not be the case. Applicant further respectfully submits that even if this were the case, Harris fails to individually or in combination with Ng, teach or suggest claim 1. Claim 1 discloses a delay means receiving the course adjusted signal. Claim 1 further discloses a selection means coupled to the delay means for receiving the second portion of the time-length signal and for selecting a predetermined discrete delay period in the delay means.

In the office action, the Examiner alleges that the counter of Harris counts down from a predetermined number to zero and outputs a signal to a fine variable delay 58. The Examiner further alleges that the fine variable delay will determine (select) an appropriate delay and output a corresponding output signal. Claim 1, however, discloses that the selection means is coupled to the delay means and receives the second portion of the time-length signal. In Harris, the fine variable delay receives the second portion of time-length signal 82, not the "selection means". Because Harris at best discloses that the output signal from the counter is input to the fine variable delay, i.e., a delay element, not a section element, Harris can not teach or suggest claim 1. Applicant respectfully refers the Examiner to Fig. 2 of the subject application which discloses a counting means, a delay means, and a selection means. The counting means and the selection means receive the respective first and second portions of the

time-length signal. Claim 1 discloses that the delay means receives a course adjusted signal, while the Examiner asserts that the delay means of Harris receives a portion of the time-length signal.

The Examiner has created an element which simply does not exist, namely, the claimed "selection means". If the variable delay 58 and the supply voltage selector 44 (or 45) make up the "selection means", the Examiner can not look to the variable delay 58 to teach or suggest the delay and the selection means. Even assuming that the Examiner's assertion regarding the selection means is correct, the supply voltage selector does not select between delay periods. The claimed selection means selects a predetermined discrete delay period in the delay means. Continuing the Examiner's assertion that fine variable delay 58 and supply voltage selector 44 (or 45) make up the "selection means", the supply voltage selector 44 (or 45) primarily selects between two voltages, it does not select a discrete delay period in the delay means. Further yet, the Examiner asserts that both the fine variable delay 58 and the supply voltage selector make up the selection means. If so, then the Examiner can not rely on variable delay 58 as teaching or suggesting the claimed delay means.

With respect to Ng, the Examiner alleges that Ng discloses that it is well known in the art of power supply circuitry to use a pulse with modulator to generate the power supply output voltage. Based on the arguments above, even if Harris can be combined with Ng, the combination, whatever that may be, fails to teach or suggest the above-referenced independent claims. Although both references appear to address power supplies, Applicant respectfully suggests that the Examiner has not shown any motivation to combine these two references. More particularly, Harris addresses a

power supply specifically for use in high speed access communications such as for a digital subscriber line (DSL) equipment. The power supply of Ng, on the other hand, appears particularly directed to a power supply that may be used to control the voltage driving integrated circuits. Thus, these two references are substantially different and are not properly combined, particularly as neither reference provides any motivation for the combination of one with the other. More particularly, to provide high-speed access communication, the power supply of Harris by definition would be a variable power supply, as may be seen particularly in connection with Harris being directed to varying slew rates of the power supply. This would be how the discrete multi-tone (DMT) signal can be transmitted, as is discussed in Harris. Ng on the other hand appears clearly directed to providing a fairly desirably output. Thus, it doesn't appear that these references can be properly combined.

Applicant respectfully submits the arguments made above apply equally with respect to claims 1, 16, 31, and 48. Likewise, the arguments made above regarding deficiencies in the art cited by the Examiner apply equally to claims 15 and 64. In view of the foregoing, Applicant respectfully submits that claims 1, 15, 16, 31, 48, and 64 define over the art cited by the Examiner. Likewise, claims 2-14, 17-30, 32-47, 49-63, and 64-79 also define over the art cited by the Examiner.

DOUBLE PATENTING

Claims 1-79 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of U.S. Patent No. 6,804,788 (Lubomirsky) in view of Ng et al. (U.S. 6,011,679). Applicant respectfully

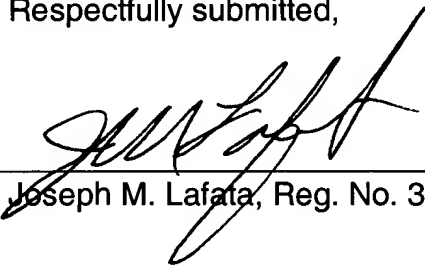
submits that it will submit a terminal disclaimer to address this rejection when the claims are found otherwise allowable.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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